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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,293	09/08/2003	Chun-Liang Lee	LEEC3072/EM	8681
23364	7590	03/16/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,293

Applicant(s)

LEE, CHUN-LIANG

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-11 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 9 recites the limitation "the back up power supply" in line 9. There is insufficient antecedent basis for this limitation in the claim.

5. Also in claim 9, it is not clear how step (r) could be performed *prior* to the determining step as recited in the preamble.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Larson et al. [Larson] (U.S. Patent No. 6,968,470).

8. Regarding claim 1, Larson teaches a power management method substantially as claimed comprising the steps of:

running the power on management procedure to set a power on mode of each of a plurality of blade servers (cards 300) installed in the control box [col. 8, lines 41-48];

measuring power consumed by the blade servers running in the power on mode [col. 10, lines 42-47, 52-55];

measuring power of the power supply [col. 10, lines 55-57];

running the power consumption estimation procedure to determine whether the power of the power supply is larger than the power consumed by the blade servers [col. 10, lines 57-62];  
and

determining whether a subsequent action should be continued by the control module based on the estimation [col. 10, lines 62-64].

9. Regarding claim 2, Larson teaches the method further comprising the step of continuing the subsequent action if the power of the power supply is less than the power consumed by the blade servers [col. 10, lines 64-67].

10. Regarding claim 3, Larson teaches that a warning of insufficient power for the power on is issued when the power of the power supply is less than the power consumed by the blade servers [col. 11, lines 12-15].

11. Regarding claims 8 and 10, Larson teaches that in response to finishing the power on, reside the control module in the control box for monitoring whether there is an insertion of the

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blade servers into the control box or a removal of the same from the control box and an activation of the blade servers in a standby mode, and measuring the power consumed by the blade servers; and run the power consumption estimation procedure to determine whether the power consumed by the blade servers is larger than the total available power so that the control module is operative to stop an addition of a new hardware, stop the subsequent process, and issue a warning of insufficient power for the power on to a manager's computer if the power consumed by the blade servers is larger than the total available power [col. 11, lines 8-15].

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. [Larson] (U.S. Patent No. 6,968,470) in view of Layton et al. [Layton] (U.S. Patent No. 6,785,827).

14. Regarding claim 4, Larson teaches that the server including back up power supply [col. 2, lines 14-15]. However, Larson does not explicitly detail the utilization of the back up power supply.

Layton teaches a method of managing power of server system comprising the steps of:  
determining whether a backup power supply is currently disposed in the system [col. 4, lines 36-40];

running the power consumption estimation procedure to determine whether a total available power of the power supply and the backup power supply is larger than the power consumed by the servers in the power on [col. 4, lines 36-40];

continuing the subsequent action if the total available power is larger than the power consumed by the servers (the servers operate in a normal manner when the power meets the requirements).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Larson and Layton because they both directed to the problem of managing power of server system.

15. Regarding claim 5, Layton teaches the step of stopping the subsequent action and issuing a warning of insufficient power for the power on if the total available power is less than the power consumed by the servers [col. 4, lines 36-39].

16. Regarding claims 6 and 7, Larson teaches that in response to determining that the total available power is less than the power consumed by the servers, performs the steps of:

running the power consumption estimation procedure to estimate an optimum power on condition including types of servers to be activated and an optimum number of the servers to be activated [col. 9, lines 41-42; col. 10, lines 64-67];

activating the selected servers [col. 10, line 67];

informing a manager of the warning of insufficient power supplied by the power supply [col. 11, lines 14-15].

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***Allowable Subject Matter***

17. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
March 6, 2006

  
**THUAN N. DU**  
**PRIMARY EXAMINER**